



11-19-04

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Attorney Docket No.: P6811

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: RIDENOUR, Randall D.

U.S. Serial No.: 10/695,041

Filing Date: October 28, 2003

For: RIDGE CAP AND CORRUGATED PANEL  
SYSTEM

Examiner: Katcheves, Basil

Group Art Unit: 3635

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (EV353078447US) in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 16, 2004.

Kathryn Walczak

Name

*Kathryn Walczak*  
Signature

*November 16 2004*  
Date of Signature

**PETITION FOR CONSIDERATION OF TIMELY FILED,  
BUT NOT ENTERED, RESCISSION OF REQUEST NOT TO PUBLISH**

This Petition for Consideration of a Timely Filed, but Not Entered, Rescission of Request Not to Publish is transmitted in response to the findings of the undersigned counsel for the Applicant of November 12, 2004 that its September 10, 2004 Rescission filing has apparently not been received and entered by the Office. As is set out in detail below, Applicant, through counsel, believes that its Rescission request was timely and properly filed, according to the statutes, rules and regulations governing such filing. As such, the Applicant hereby petitions and requests that

its Request for Rescission be considered as timely filed and thereby entered by the Office as of the September 10, 2004 date of mailing. A photocopy of said Request for Rescission is enclosed with this Petition along with the petition fee required under 37 CFR §1.17(h).

### **BACKGROUND**

In the above-entitled application, the Request for Rescission of the Request for Non-Publication was submitted on September 10, 2004 by First Class, United States Mail, under 37 CFR §1.8. The Applicant would point out the certification of mailing on the upper-right-hand corner of the first page of the Request for Rescission, executed on September 10, 2004 by Stephanie Warner-Wallace. Also enclosed is the back of a stamped, return receipt postcard, enclosed with the Request for Rescission. The Affidavit of Stephanie Warner-Wallace attesting to such signature, postcard and mailing is enclosed herein. The undersigned counsel for the Applicant, Thomas W. Ryan, executed and dated the Rescission request on September 10, 2004. The Affidavit of Thomas W. Ryan attesting to the signature of Rescission and the facts of this petition is enclosed.

The aforementioned Rescission request was logged out by Suzanne Cotugno, patent docket clerk for Applicant's counsel. A copy of the September 10, 2004 Outgoing Patent Mail log is enclosed herewith. Pursuant to Counsel's docketing procedure, Ms. Cotugno contacted by telephone Examiner Basil Katcheves, the examiner apparently assigned to this application, to inquire as to the status of the receipt of the Rescission request. Such contact was initiated because Counsel had not received the return receipt postcard from the Office. Mr. Katcheves instructed Ms. Cotugno to contact the Office in another month as the document was not scanned

into the system and the Office was running behind. Ms. Cotugno then connected the Office of Initial Patent Examination (OIPE) on November 12, 2004. OIPE informed Ms. Cotugno that they have not received the Rescission request and to resubmit the document. The Affidavit of Ms. Suzanne Cotugno, attesting to these facts, is enclosed herein.

This Petition is necessitated because more than 45-days have passed since the filing of a foreign patent application. More specifically, the Applicant filed a Canadian patent application on September 15, 2004 (application number-TBA). As such, it is too late for the Applicant to resubmit a new request for Rescission as more than 45-days after the foreign filing date has elapsed. Therefore, because Applicant believes that its original request for Rescission was timely and properly filed, it requests entry of such Request as timely filed and as of the September 10, 2004 date of filing.

Applicants and undersigned counsel are not aware of any further requirements that must be met in order to bring this issue of non-receipt and non-entry to the attention of the examination branch. Any additional issues should be communicated to the undersigned at the Office's earliest convenience in order to expedite resolution of such issues.

If any additional fees are due or should be refunded, the Office is authorized to charge or credit Deposit Account Number 18-2284. A duplicate copy of this letter is enclosed herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas W. Ryan', is written over a horizontal line.

Thomas W. Ryan  
Reg. No. 43,072

Piper Rudnick LLP  
P.O. Box 64807  
Chicago, Illinois 60664-0807  
Phone: (312) 368-4058  
Fax: (312) 630-7388

Dated: November 16, 2004



Attorney Docket No. P-6811

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Randall D. RIDENOUR  
Serial No.: 10/695,041  
Filed: October 28, 2003  
Art Unit 3637  
Examiner: TBA  
Confirmation No.: 5690  
Title: RIDGE CAP CLOSURE SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 10, 2004  
Date

Stephanie Warner-Wallace  
Name

Stephanie Warner-Wallace  
Signature

**RESCISSION OF NON-PUBLICATION REQUEST UNDER 35 USC 122(b)(2)(B)(ii) /  
NOTICE OF FOREIGN FILING UNDER 35 USC 122(b)(2)(B)(iii)**

Dear Sir:

Applicant hereby rescinds the request that the above application not be published under 35 U.S.C. 122(b).

Applicant has, or will file, at least one patent application in a foreign country or under a multilateral international agreement (the "Foreign Application"), which patent application has as its subject the invention disclosed in the above-captioned patent application. The Foreign Application was, or will be, filed in a country or under a multilateral international agreement which requires publication of applications eighteen months after filing. This notice is being provided no later than forty-five (45) days after such Foreign Application filing.

Respectfully submitted,

Dated: Sept. 10, 2004

Thomas W. Ryan  
Thomas W. Ryan, Reg. No. 43,072

PIPER RUDNICK LLP  
P.O. Box 64807  
Chicago, IL 60664-0807  
(312) 368-8937



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Transmittal of Rescission of Non-Publication Request and Notice of Foreign Filing

APPLICANT: Randall D. RIDENOUR  
SERIAL NO: 10/695,041  
FILING DATE: October 28, 2003  
TITLE: RIDGE CAP CLOSURE SYSTEM  
EXAMINER: TBA  
ART UNIT: 3637  
OUR REF NO: P6811

Enclosures

- 1.) Rescission of Non-Publication Request Under 35 USC 122(b)(2)(B)(i), Notice of Foreign Filing Under 35 USC 122(b)(2)(B)(iii) (1 pg.)
- 2.) Return Receipt Postcard

Mailed via First Class Mail on September 10, 2004

TWR/shw

**ENTERED**

SEP 10 2004

BEST AVAILABLE COPY

## OUTGOING PATENT MAIL

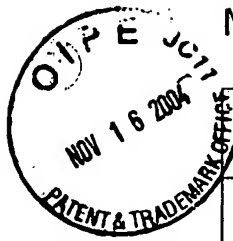
NOV 16 2004

Month: **SEPTEMBER** Date: **10** Year: **2004** Day: **FRIDAY**

[illegible]

# OUTGOING PATENT MAIL

Month: **SEPTEMBER** Date: **10** Year: **2004** Day: **FRIDAY**



Type	Atty	Document	Application/ Patent No.	File No.	Client/ Matter
1 <sup>ST</sup> CLASS	TWR	RESCISSION OF NON-PUBLICATION REQUEST UNDER 35USC122(b)(2)(B)(ii); NOTICE OF FOREIGN FILING UNDER 35USC122(b)(2)(B)(iii) (1 PAGE); AND RETURN RECEIPT POSTCARD.	10/695041	6811	212900- 001021
1 <sup>ST</sup> CLASS	JHB	AMENDMENT C (10 PAGES) AND DUPLICATE; CERTIFICATE OF SERVICE (1 PAGE); AND RETURN RECEIPT POSTCARD.	90/006564	2891 REX	243115- 000038

BEST AVAILABLE COPY





Attorney Docket No.: P6811

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: RIDENOUR, Randall D.

U.S. Serial No.: 10/695,041

Filing Date: October 28, 2003

For: RIDGE CAP AND CORRUGATED PANEL  
SYSTEM

Examiner: Katcheves, Basil

Group Art Unit: 3635

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Kathryn Walczak

Name

*Kathryn Walczak*  
Signature

*November 16, 2004*  
Date of Signature

AFFIDAVIT OF THOMAS W. RYAN

Sir:

STATE OF ILLINOIS       )  
                                      ) ss  
COUNTY OF COOK       )

I, Thomas W. Ryan, being duly sworn do hereby depose and say:

1. I am an attorney in the Chicago Office of Piper Rudnick LLP. I admitted to practice law in the States of Illinois and Ohio (inactive) and to practice before the United States Patent and Trademark Office, Registration Number 43,072.

2. I am of sound mind and have never been adjudicated incompetent, and I am competent to testify to the matters herein.

3. I have personal knowledge of the facts set forth below and/or, to the best of my knowledge, information and belief, believe them to be true.

4. On September 10, 2004, I received the "Rescission of Non-Publication Request under 35 U.S.C. 112(b)(2)(B)(ii)/ Notice of Foreign Filing under 35 U.S.C. 122(b)(2)(B)(iii)" from Ms. Stephanie Warner-Wallace for review and execution. I signed and dated the Rescission request and returned the same to Ms. Warner-Wallace for mailing and transmission to docketing on September 10, 2004.


5. To the best of my knowledge, the enclosed copies of the request for rescission and the return receipt postcard are true and correct copies of the same, made prior to depositing the same.

6. To the best of my knowledge, the Rescission request was duly mailed on September 10, 2004 and docketed for follow-up.

7. On November 12, 2004, I was informed by Suzanne Cotugno that the Office does not have a record of receiving the Rescission request and that we had not received the return receipt postcard.

10. The facts and statements set out in Applicant's "Petition for Consideration of Timely Filed, But Not Entered, Rescission of Request Not to Publish" are, to the best of my knowledge, true and correct.

FURTHER AFFIANT SAYETH NOT.



Thomas W. Ryan—Reg. No. 43,072  
Piper Rudnick LLP

I certify under the penalties for perjury under the laws of the United States of America that the foregoing factual statements and representations are true and correct.

EXECUTED on the 16<sup>th</sup> day of November, 2004.

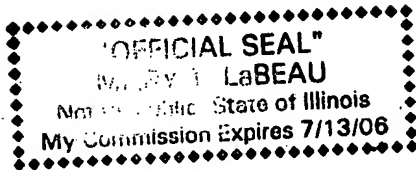
SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of November, 2004

Mary L. LaBeau

Notary public in and for the  
STATE OF ILLINOIS

SEAL

My commission expires: 7-13-06





Attorney Docket No.: P6811

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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U.S. Serial No.: 10/695,041

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Examiner: Katcheves, Basil

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Kathryn Walczak

Name

*Kathryn Walczak*

Signature

*November 16, 2004*

Date of Signature

AFFIDAVIT OF STEPHANIE WARNER-WALLACE

Sir:

STATE OF ILLINOIS       )  
                                      ) ss  
COUNTY OF COOK        )

I, Stephanie Warner-Wallace, being duly sworn do hereby depose and say:

1. I am a paralegal employed in the patent department of the Chicago Office of Piper Rudnick LLP.

2. I am of sound mind and have never been adjudicated incompetent, and I am competent to testify to the matters herein.

3. I have personal knowledge of the facts set forth below and/or, to the best of my knowledge, information and belief, believe them to be true.

4. On September 10, 2004, I presented the "Rescission of Non-Publication Request under 35 U.S.C. 112(b)(2)(B)(ii)/ Notice of Foreign Filing under 35 U.S.C. 122(b)(2)(B)(iii)" for the above-entitled application to Mr. Thomas W. Ryan for execution.

5. On September 10, 2004, Mr. Ryan signed and dated the request for Rescission.

6. On September 10, 2004, I signed and dated the certificate under 37 CFR §1.8, located in the upper right hand corner of the request for Rescission.


7. I deposited the request for Rescission, along with a return receipt postcard, in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 10, 2004.

8. The enclosed copies of the request for rescission and the return receipt postcard are true and correct copies of the same, made prior to depositing the same.

9. I forwarded the envelope containing the deposited Rescission request and post card, along with Applicant's Counsel's file for this application, containing copies of the rescission request and return post card to Ms. Suzanne Cotugno for docketing and logging out of the envelope containing the deposited materials.

10. I have read the facts and statements set out in Applicant's "Petition for Consideration of Timely Filed, But Not Entered, Rescission of Request Not to Publish" and, to the best of my knowledge, believe them to be true and correct.

FURTHER AFFIANT SAYETH NOT.

  
Stephanie Warner-Wallace  
Paralegal  
Piper Rudnick LLP

I certify under the penalties for perjury under the laws of the United States of America that the foregoing factual statements and representations are true and correct.

EXECUTED on the 16 day of November, 2004.

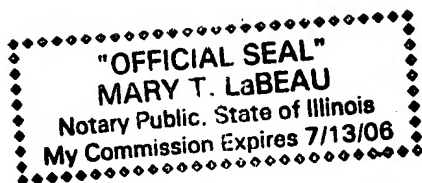
SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of November, 2004

Mary T. LaBeau

Notary public in and for the  
STATE OF ILLINOIS

SEAL

My commission expires: 7-13-06





Attorney Docket No.: P6811

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: RIDENOUR, Randall D.

U.S. Serial No.: 10/695,041

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Examiner: Katcheves, Basil

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Kathryn Walczak

Name

*Kathryn Walczak*  
Signature

*November 16, 2004*  
Date of Signature

AFFIDAVIT OF SUZANNE M. COTUGNO

Sir:

STATE OF ILLINOIS       )  
                                      ) ss  
COUNTY OF COOK        )

I, Suzanne M. Cotugno, being duly sworn do hereby depose and say:

1. I am an intellectual property docketing coordinator employed in the patent department of the Chicago Office of Piper Rudnick LLP.

2. I am of sound mind and have never been adjudicated incompetent, and I am competent to testify to the matters herein.

3. I have personal knowledge of the facts set forth below and/or, to the best of my knowledge, information and belief, believe them to be true.

4. On September 10, 2004 I received an envelope containing the deposited "Rescission of Non-Publication Request under 35 U.S.C. 112(b)(2)(B)(ii)/ Notice of Foreign Filing under 35 U.S.C. 122(b)(2)(B)(iii)," executed by Mr. Thomas W. Ryan, and a return receipt post card. I further received Counsel's file for the above entitled application, containing photocopies of the aforementioned deposited documents.

5. Per Piper Rudnick's established docketing procedure, I docketed the filing of Rescission request.

6. Per Piper Rudnick's established docketing procedure, I noted in my outgoing mail log the submission of the Recession request.

7. To the best of my knowledge, the submitted copies of the Rescission request, return receipt postcard and outgoing patent mail log are true and correct copies.

8. I transmitted the sealed envelope containing the Rescission request and the return receipt postcard to the Piper Rudnick mail room for first class postage and pickup by the United States Postal Service.

9. On October 7, 2004, I telephoned Examiner Basil Katcheves to inquire as to the status of acceptance of the Rescission request by the Office. Such call was necessitated by an indication in our docket that the return receipt postcard had not yet been received from the Office. Examiner Katcheves indicated that he did not have any information on the acceptance of the Rescission request and suggested that we contact the office again in one (1) month, as processing of some documents were lagging.

10. On November 12, 2004, I contacted the Office of Initial Patent Examination (OIPE) to request an update as to the status of the Rescission request. OIPE indicated that they did not receive the document and instructed the Applicant to resubmit the Rescission. I immediately informed Mr. Ryan that the PatentOffice apparently did not receive the Rescission request.

10. I have read the facts and statements set out in Applicant's "Petition for Consideration of Timely Filed, But Not Entered, Rescission of Request Not to Publish" and, to the best of my knowledge, believe them to be true and correct.



FURTHER AFFIANT SAYETH NOT.

Suzanne M. Cotugno  
Suzanne M. Cotugno  
Intellectual Docketing Coordinator—Patents  
Piper Rudnick LLP

I certify under the penalties for perjury under the laws of the United States of America that the foregoing factual statements and representations are true and correct.

EXECUTED on the 16<sup>th</sup> day of November, 2004.

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of November, 2004

Mary T. LaBeau  
Notary public in and for the  
STATE OF ILLINOIS

SEAL

My commission expires: 7-13-06

